

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

State of Illinois, Department of Transportation,
Petitioner,

vs.

City of West Chicago, and Union Pacific Railroad
Company ("UP"),
Respondents.

T00-0050

Petition to (1) interconnect the newly installed traffic
signals system at the intersection of IL 38 (Roosevelt
Road) and Kautz Road with the railroad warning devices
at the IL 38 (Roosevelt Road) at-grade crossing and (2)
establish the minimum preemption time provided by UP
to the Department at the IL 38 (Roosevelt Road) at-
grade crossing at 48 seconds, located in West Chicago.

ORDER

By the Commission:

On May 23, 2000, the Illinois Department of Transportation ("Department") filed the above described Petition with the Illinois Commerce Commission ("Commission").

On July 12, 2000 the Union Pacific Railroad Company ("Company") filed a Motion for Continuance in this proceeding. On July 18, 2000 the Company's Motion for Continuance was granted by the Commission's Hearing Examiner overseeing this proceeding and the hearing was rescheduled from July 21, 2000 to September 15, 2000.

On September 15, 2000, pursuant to proper legal notice, a hearing was held before a duly authorized Hearing Examiner at the Commission's office in Springfield, Illinois. Appearances were entered by the Department and a member of the Commission's Railroad Section ("Staff"). No appearances were entered at the hearing by the Respondents, the City of West Chicago ("City") or the Company.

At the September 15, 2000 hearing, Staff submitted a recommended draft order and letters from representatives for the Company, Department and City acknowledging their review and acceptance of the contents of the draft order, as evidence on behalf of the Department, Company, City and Staff. The draft order addresses all issues in the Department's Petition including: the interconnection of the Company's crossing warning signals and gates with highway traffic control signals; the establishment of a

minimum preemption time for the traffic signal preemption sequence; a division of cost among the parties and a completion date for the proposed warning system improvements. Staff also submitted as evidence an estimate of cost prepared by the Company to perform the proposed improvements. The Department indicated they found the estimate of cost to be satisfactory. The draft order and the estimate of cost were admitted as evidence and the record was marked "Heard and Taken".

The Commission, having given due consideration to the entire record in this matter, finds that:

- (1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) the recitals of fact as set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) within the City a public highway known as IL 38 (Roosevelt Road, DOT 174 983M) crosses at-grade the Company's tracks; said highway is under the jurisdiction of the Department;
- (4) Federal Railroad Administration Rule 49 CFR Part 234.225 and the Commission's 92 IL Adm. Code 1535.350 both require that a minimum of 20 seconds warning time be provided at-grade crossings equipped with automatic warning devices;
- (5) the railroad warning system at the IL38 (Roosevelt Road) at-grade crossing consists of automatic flashing light signals and gates and raised median barriers on both highway approaches; IL 38 (Roosevelt Road) intersects Kautz Road approximately three hundred and sixty six (366) feet west of the at-grade crossing; the intersection now has stop signs for southbound traffic on Kautz Road; Kautz Road is under the jurisdiction of the City; the Department proposes to remove the stop signs and install highway traffic control signals at the intersection of IL38 (Roosevelt Road) and Kautz Road; the Department proposes to interconnect the aforesaid highway traffic signals with the railroad warning devices at the IL38 (Roosevelt Road) at-grade crossing; the highway traffic control signals will be under the jurisdiction of the Department;
- (6) the at-grade crossing warning system improvements requested in the Department's petition, as stated in the following table, are in the interest of public safety and should be approved; the Commission also finds that the cost division and completion date for the improvements as provided in the aforesaid draft order and as stated in the following table, are fair and reasonable and should be approved:

<u>Improvement</u>	<u>Est. Cost</u>	<u>Department</u>	<u>Company</u>	<u>Completion From Order Date</u>
Install interconnect circuit and constant warning time circuitry designed to provide for a minimum 48 seconds simultaneous preemption time at the IL 38 (Roosevelt Rd., DOT 174 983M) grade crossing in West Chicago, IL.	\$1,492,816	90% (not to exceed \$1,343,534)	(\$149,282) Remainder	18 months

IT IS THEREFORE ORDERED by the Commission that the Company shall perform the grade crossing warning system improvements as set forth in Finding (6) herein and shall thereafter maintain same.

IT IS FURTHER ORDERED that the cost of the grade crossing warning system improvements herein required shall be allocated as set forth in Finding (6) herein.

IT IS FURTHER ORDERED that the Company shall perform its work herein required within eighteen (18) months from the date of this Order.

IT IS FURTHER ORDERED that the Department shall coordinate the installation of the new highway traffic signals at the intersection IL38 (Roosevelt Road) and Kautz Road with the railroad work required herein and shall not place the highway traffic signals in-service until the railroad improvements have been completed.

IT IS FURTHER ORDERED that the Department shall retain the existing raised barrier medians at the aforesaid IL38 (Roosevelt Road) at-grade crossing and thereafter maintain same.

IT IS FURTHER ORDERED that after the warning system work herein required has been completed, the Company shall not take any action which would result in a reduction of the minimum simultaneous preemption time without approval of the Commission.

IT IS FURTHER ORDERED that the Company shall post a readily visible notice inside its warning system cabinet at the aforesaid at-grade crossing notifying its personnel not to take any action which would result in a reduction of the minimum railroad preemption time herein required without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the proposed railroad preemption sequence, provided in the Department's petition, shall be utilized by the highway traffic control devices at the intersection of IL 38 (Roosevelt Road) and Kautz Road located adjacent to the IL 38 (Roosevelt Road, DOT 174 983M) at-grade crossing and shall not be altered in

a manner which would reduce the amount of time vehicles encroaching the track zone would have to clear the tracks without the approval of the Commission.

IT IS FURTHER ORDERED that the Department shall post a readily visible notice inside its traffic signal cabinet notifying its personnel not to alter the railroad preemption sequence for the traffic signals at the new interconnected at-grade crossing in a manner which would reduce the amount of time vehicles encroaching the track zone would have to clear the tracks without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the Company shall within one hundred twenty (120) days from the date of this Order furnish the Department for its review two (2) copies of the general layout plans applying to the warning system work herein required.

IT IS FURTHER ORDERED that the Department shall, within thirty (30) days of its receipt of the aforesaid general layout plans, furnish to the Commission a statement of its approval or disapproval thereof, this for the information of the Commission when considering the application herein required to be filed in accordance with Form 3 of 92 Ill. Adm. Code 1535.

IT IS FURTHER ORDERED that the Company shall file a Form 3 application with the Commission, in accordance with 92 Ill. Adm. Code 1535, showing details of the control circuitry work herein required and shall receive approval thereof by X-Resolution of this Commission before commencing the work of installation.

IT IS FURTHER ORDERED that the Company shall file a written report within ninety (90) days from the date of this Order with the Director of Processing and Information, of the Commission's Transportation Division, stating the progress made toward completion of its work herein required. Said report shall include the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of this project.

IT IS FURTHER ORDERED that the Company shall file a written notice of completion with the Director of Processing and Information, Transportation Division of the Commission within five (5) days of completion of its work herein required.

IT IS FURTHER ORDERED that subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 4th day of October, 2000.

EXAMINER	<i>[Signature]</i>
REPORT CHIEF	
Supervisor of Orders	<i>[Signature]</i>

*Richard L. Mathias*³

Chairman